

TRANSPORTATION REPORT

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Senate Judiciary Committee Orders S.49 Reported Favorably to Full Senate

S.49 lifting railroad immunity from antitrust

Just a few moments ago, the Senate Judiciary Committee ordered S. 49, the Railroad Antitrust Enforcement Act of 2011, reported favorably to the full Senate. The recorded vote was 14 - 1, with all Democratic Members of the Committee and Senators Grassley, Hatch, Kyl and Lee voting to report the bill. Only Senator Cornyn (R-TX) voted against the bill. In the three Congresses that this bill has been considered by the Senate and House Judiciary Committees, this is the first recorded no vote on the legislation.

The railroads proposed amendments which in essence would have gutted the bill.

In addition, Senators Graham, Sessions and Coburn voted present.

Senator Mike Lee (R-UT) voted yes, but reserved the right to vote against the bill on the floor if his concerns were not addressed in subsequent negotiations.

Senator Kohl has pledged to try and address Senator Mike Lees concerns before the floor vote.

This year the railroad industry contested the vote in the committee because the industry realizes there is a strong possibility of a vote by the full Senate on S.49 in 2011.

It will be interesting to see the affect that committee passage of S.49 will have on Chairman Rockefeller's S.158 shipper reform bill which is awaiting committee action. In the last congress the passage of the antitrust bill out of committee spurred action by Chairman Rockefeller to get his shipper reform bill out of committee.